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22 May 1968

MEMORANDUM FOR: Deputy Director, Economic Research

THROUGH : Chief, Indochina Division

SUBJECT : Enemy POW's in South Vietnam

1. A reading of MACV's Directive 381-46, Military Intelligence Combined Screening of Detainees, corrects some misconceptions I previously passed on to you. All categories in our insurgency base except Assault Youth and the infrastructure are specifically considered.

2. "The sole responsibility for determining the status of persons detained by US forces rests with the representatives of the US forces (to the Combined Tactical Screening Centers)."

3. Attached are the criteria for classification and disposition of detainees taken from 381-46. Note in particular the underlined portions. Irregulars may be classed as POW's only if there is evidence that the prisoner engaged in combat. All other Irregulars are classed as Civil Defendants regardless of activity engaged in. The description of Irregulars here and the fact that they are disposed of in the same way the infrastructure is seems to support our view of them in the insurgency base.

4. Non-POW's who are suspected of being CD's are released to the GVN. The CD's are the primary inhabitants of South Vietnamese jails.

5. Of further interest is a recent State cable concerning prisoner lists and the like for Paris support. It seems US authorities keep few records on any detainees regardless of classification or detaining forces.

[redacted] We know from this cable that MACV has the data broken down by force as we requested.

[redacted]
Chief
South Vietnam Branch

Distribution:

Orig. & 1 - Addressee

1 - Chief, D/I ✓

1 - I/SV

OER/I/SV [redacted] (22 May 68)

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CRITERIA FOR CLASSIFICATION AND DISPOSITION OF DETAINEES

1. PURPOSE. To establish criteria for the classification of detainees which will facilitate rapid, precise screening, and proper disposition of detainees.

2. DEFINITIONS.

a. Detainees. Persons who have been detained but whose final status has not yet been determined. Such persons are entitled to humane treatment in accordance with the provisions of the Geneva Conventions.

b. Classification. The systematic assignment of a detainee in either the PW or Non-Prisoner of War category.

c. Prisoners of War. All detainees who qualify in accordance with paragraph 4a, below.

d. Non-Prisoners of War. All detainees who qualify in accordance with paragraph 4b, below.

3. CATEGORIES OF FORCES.

a. Viet Cong (VC) Main Force (MF). Those VC military units which are directly subordinate to Central Office for South Vietnam (COSVN), a Front, Viet Cong military region, or sub-region. Many of the VC units contain NVA personnel.

b. Viet Cong (VC) Local Force (LF). Those VC military units which are directly subordinate to a provincial or district party committee and which normally operate only within a specified VC province or district.

c. North Vietnamese Army (NVA) Unit. A unit formed, trained and designated by North Vietnam as an NVA unit, and composed completely or primarily of North Vietnamese.

d. Irregulars. Organized forces composed of guerrilla, self-defense, and secret self-defense elements subordinate to village and hamlet level VC organizations. These forces perform a wide variety of missions in support of VC activities, and provide a training and mobilization base for maneuver and combat support forces.

(1) Guerrillas. Full-time forces organized into squads and platoons which do not necessarily remain in their home village or hamlet. Typical missions for guerrillas include propaganda, protection of village party committees, terrorist, and sabotage activities.

(2) Self-Defense Force. A VC paramilitary structure responsible for the defense of hamlet and village in VC controlled areas. These forces do not leave their home area, and they perform their duties on a part-time basis. Duties consist of constructing fortifications, serving as hamlet guards, and defending home areas.

(3) Secret Self-Defense Force. A clandestine VC organization which performs the same general function in Government of Vietnam (GVN) controlled areas. Their operations involve intelligence collection, as well as sabotage and propaganda activities.

4. CLASSIFICATION OF DETAINEES.

a. Detainees will be classified PW's when determined to be qualified under one of the following categories:

(1) A member of one of the units listed in paragraph 3a, b, or c, above.

(2) A member of one of the units listed in paragraph 3d, above, who is captured while actually engaging in combat or a belligerent act under arms, other than an act of terrorism, sabotage, or spying.

(3) A member of one of the units listed in paragraph 3d, above who admits or for whom there is proof of his having participated or engaged in combat or a belligerent act under arms other than an act of terrorism, sabotage, or spying.

b. Detainees will be classified as Non-Prisoners of War when determined to be one of the following categories:

(1) Civil Defendants.

(a) A detainee who is not entitled to PW status but is subject to trial by GVN for offenses against GVN law.

(b) A detainee who is a member of one of the "units" listed in paragraph 3d, above, and who was detained while not engaged in actual combat or a belligerent act under arms, and there is no proof that the detainee ever participated in actual combat or belligerent act under arms.

(c) A detainee who is suspected of being a spy, saboteur, or terrorist.

(2) Returnees (Hoi Chanh). All persons regardless of past membership in any of the units listed in paragraph 3, above, who voluntarily submit to GVN control.

(3) Innocent Civilians. Persons not members of any units listed in paragraph 3, above, and not suspected of being civil defendants.

5. DISPOSITION OF CLASSIFIED DETAINEES.

a. Detainees who have been classified will be processed as follows:

(1) US captured PW's and those PW's turned over to the US by FWMAF will be retained in US Military channels until transferred to the ARVN PW Camp.

(2) Non-Prisoners of War who are suspected as civil defendants will be released to the appropriate GVN civil authorities.

(3) Non-Prisoners of War who qualify as returnees will be transferred to the appropriate Chieu Hoi Center.

(4) Non-Prisoners of War determined to be innocent civilians will be released and returned to the place of capture.

b. Responsibilities and procedures for evacuation and accounting for PW's are prescribed in MACV Directive 190-3 and USARV Regulation 190-2.

TRANSMITTAL SLIP		DATE 22 May 68	
TO: Chief, D/I			
ROOM NO. 4-G-43	BUILDING Hdgrs.		
REMARKS:			
FROM:			
		Ch/I/SV	
ROOM NO. 3-G-35	BUILDING Hdgrs.	EXTENSION <div></div>	
FORM NO. 241 1 FEB 55		REPLACES FORM 36-8 WHICH MAY BE USED. (17)	

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